

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

DINA FLORY,

Plaintiff,

v.

McCABE, WEISBERG & CONWAY,  
LLC, et al.,

Defendants.

CIVIL ACTION NO. :18-cv-15522-AET-TJB

**NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT PURSUANT TO  
RULE 68(a) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

TO: CLERK OF THE UNITED STATES DISTRICT COURT,  
DISTRICT OF NEW JERSEY

McCabe Weisberg & Conway, LLC (the "McCabe Firm"), by its counsel, hereby notifies this Court that an offer of judgment (the "Offer of Judgment") by the McCabe Firm and co-defendant First Atlantic Federal Credit Union ("First Atlantic," and together with the McCabe Firm, the "Defendants") was made on November 15, 2018, and accepted by the plaintiff, Dina Flory (the "Plaintiff") on November 19, 2018 (the "Acceptance of Judgment"). A true and correct copy of the Offer of Judgment is attached hereto as Exhibit "A." A true and correct copy of the Acceptance of Judgment, with appropriate redaction, see infra n.1, is attached hereto as Exhibit "B." The Offer of Judgment provides for the entry of judgment against the Defendants on the Plaintiff's Fair Debt Collection Practices Act, 15 U.S.C. §1692, *et seq.*, claim in the amount of \$1,001.00, plus reasonable attorneys' fees to be determined by the Court.<sup>1</sup>

<sup>1</sup> The Acceptance of Judgment includes a proposed fee offer designed to render unnecessary that portion of the Offer of Judgment requiring Court determination of reasonable fees. Because that offer was not accepted by the Defendants, all content in the Acceptance of Judgment concerning that settlement offer has

WHEREFORE, the Defendants respectfully request that this Court schedule deadlines for the submission of Plaintiff's fee application, the Defendants' response thereto and, if desired by the Court, a hearing on the fee portion of the Offer of Judgment so that a final judgment may be entered by the Clerk.

Dated: Philadelphia, PA  
November 21, 2018

Respectfully submitted,  
**McCABE, WEISBERG & CONWAY**  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109  
(215) 790-1010

By: /s/ Joseph F. Riga  
Joseph F. Riga (NJ# 041411989)  
[jriga@mwc-law.com](mailto:jriga@mwc-law.com)

Counsel for the Defendants

**CERTIFICATE OF SERVICE**

I, Joseph F. Riga, certify that, on the date set forth below, a true copy of the Notice of Acceptance of Offer of Judgment Pursuant to Rule 68(a) of the Federal Rules Of Civil Procedure was served on the following by first class U.S. mail, postage pre-paid or, for those who have agreed to receive service electronically under the Court's local rules and CM/ECF program, by electronic transmission:

Ira J. Metrick, Esq.  
57 West Main Street  
Freehold, NJ 07728

*Counsel for Plaintiff*

Dated: Philadelphia, PA  
November 21, 2018

Respectfully submitted,  
**McCABE, WEISBERG & CONWAY**  
123 South Broad Street, Suite 1400  
Philadelphia, PA 19109  
(215) 790-1010

By: /s/ Joseph F. Riga  
Joseph F. Riga (NJ# 041411989)  
jriga@mwc-law.com

Counsel for the Defendants

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, LLC**  
SUITE 1400  
123 SOUTH BROAD STREET  
PHILADELPHIA, PA 19109  
(215) 790-1010  
FAX (215) 790-1274

Joseph F. Riga, Esquire

November 15, 2018

**BY REGULAR MAIL AND ELECTRONIC**  
**TRANSMISSION TO: ira@metrickesq.com**

Ira J. Metrick, Esq.  
57 West Main Street  
Freehold, NJ 07728

Re: Flory v. McCabe, Weisberg and Conway, LLC, et al., DNJ No. 3:18-cv-15522 (AET-TJB)

Dear Mr. Metrick:

On behalf of First Atlantic Credit Union, a creditor not a debt collector, and McCabe, Weisberg & Conway, LLC, I make the following offer of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure. My clients will consent to a judgment against them in the amount of ONE THOUSAND AND ONE DOLLARS (\$1,001.00) plus reasonable attorney's fees and costs as determined by the Court. Pursuant to Rule 68, your client has 14 days from service of this letter to accept this offer of judgment. Thank you.

Sincerely,

Joseph F. Riga

JFR:mm

This is a communication from a debt collector.  
This letter may be an attempt to collect a debt and any information obtained will be used for that purpose.

EXHIBIT "A"

**Ira J. Metrick**

ATTORNEY AT LAW, LLC

IRA J. METRICK  
Member of NY & NJ Bars  
Email: ira@metrickesq.com

57 WEST MAIN STREET  
FREEHOLD, NJ 07728  
TEL: (732) 863-1660 · FAX: (732) 863-1949

\*Of Counsel  
CHRISTINE M. FRIEDMAN  
Member of NJ & DE Bars

November 19, 2018

Via Regular and Email

McCabe Weisberg & Conway, LLC  
216 Haddon Avenue  
Suite 201  
Westmont, NJ 08108

Re: Flory v. McCabe Weisberg and First Atlantic Federal Credit Union  
DNJ No.3:18cv-15522(AET-TJB)

Dear Mr. Riga:

Please be advised that I am in receipt of your emailed correspondence dated November 15, 2018, regarding Defendants' offer of judgment on the above captioned matter. I have had the opportunity to discuss same with my client and Plaintiff is agreeable to the offer of judgment in the amount of One Thousand and One Dollars and No cents. [REDACTED]  
[REDACTED]

Please review with your clients and advise. Please also feel free to contact my office with any questions.

Very Truly Yours,

  
IRA J. METRICK

IJM:cmf